

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE CITY OF BLAINE, *et al.*,

Plaintiffs,

v.

GOLDER ASSOCIATES, INC., *et al.*,

Defendants.

No. C03-0813RSL

ORDER GRANTING PLAINTIFFS'
MOTION IN LIMINE RE: LIABILITY
FOR GORDON TUCKER'S
CRIMINAL ACTS

This matter comes before the Court on "Plaintiffs' Motion in Limine Regarding Defendants' Claim that They Are Not Liable for the Intentional or Criminal Acts of Gordon Tucker." Dkt. # 336.¹ Plaintiffs seek an order prohibiting defendants from arguing that they are not liable for the acts of Gordon Tucker because they were intentional and/or criminal under the Washington State Indian Graves and Records Act ("IGRA"). Defendants do not necessarily object to a finding that they are liable for all of Mr. Tucker's acts: they simply do not want plaintiffs emphasizing the criminal nature of his violations

The Court has already determined that the findings in The Lummi Nation v.

¹ This matter can be decided on the papers submitted by the parties. Plaintiffs' request for oral argument is DENIED.

ORDER GRANTING PLAINTIFFS' MOTION IN
LIMINE RE: LIABILITY FOR GORDON TUCKER'S
CRIMINAL ACTS

1 Golder Associates, Inc., C01-1003L, are relevant and, if handled appropriately, will not unduly
2 prejudice defendants. Plaintiffs will not be required or permitted to relitigate the earlier findings
3 and should avoid references to IGRA's criminal provisions without prior approval of the Court.
4

5 For all of the foregoing reasons and there being no argument, law, or facts that
6 would allow defendants to escape responsibility for the professional acts of their employee,
7 defendants shall not be permitted to argue that they are not liable for the actions of Gordon
8 Tucker. Plaintiffs' motion in limine is therefore GRANTED.
9

10 DATED this 12th day of May, 2006.
11

12 

13 Robert S. Lasnik
14 United States District Judge
15
16
17
18
19
20
21
22
23
24
25